

WITNESS:

Date: March 13, 2017

American Center for Excellence v COD

Debbie Tyrrell



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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AMERICAN CENTER FOR)	
EXCELLENCE IN SURGICAL)	
ASSISTING, INC.,)	
)	
Plaintiff,)	Case No.
)	1:15-CV-07290
-vs-)	
)	
COMMUNITY COLLEGE DISTRICT)	
502, et al.,)	
)	
Defendants.)	

The deposition of KAREN SOLT called by the Plaintiff for examination, pursuant to notice and pursuant to the Rules of Civil Procedure for the United State District Courts pertaining to the taking of depositions for the purpose of discovery, taken before DEBBIE TYRRELL, a Certified Shorthand Reporter and a Notary Public within and for the County of DuPage and State of Illinois, at 2777 Finley Road, Suite 12, Downers Grove, Illinois, on March 13, 2017, at the hour of 1:30 p.m.

1 APPEARANCES:

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BY: MR. MICHAEL J. DAVIS

6 on behalf of the plaintiff;

7
8 SCHULYER, ROCHE & CRISHAM
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BY: MR. MICHAEL T. ROCHE

11 on behalf of the defendants.

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I-N-D-E-X

WITNESS:
KAREN SOLT

PAGE

Examination by Mr. Davis

EXHIBITS: PAGE:

No Exhibits were marked.

1 (Witness sworn.)

2 KAREN SOLT,

3 a witness herein, having been first duly sworn, was
4 examined and testified as follows:

5 EXAMINATION

6 BY MR. DAVIS:

7 Q Would you please state your name?

8 A **Karen Maloney Solt.**

9 Q Are you a Doctor or a --

10 A **No, I am not.**

11 Q And you're not a Dean anymore either,
12 right?

13 A **I am retired.**

14 Q So, Ms. Solt, have you ever had your
15 deposition taken before?

16 A **No.**

17 Q And have you discussed the nature of the
18 deposition with your attorney?

19 A **Yes.**

20 Q Do you understand that when a question is
21 asked, if you don't understand the question, you
22 can ask for clarification. And, also, as your
23 attorney will tell you, you need to finish letting
24 me ask the question before you answer.

1 **A Yes.**

2 Q And if you are asked a question, you need
3 to state the answer verbally. Not mmm-hmm or nod
4 your head or anything like that because the court
5 reporter can not take that down.

6 **A Yes.**

7 Q And is there any reason why you feel you
8 can not proceed with this deposition today?

9 **A No.**

10 Q Are you under any medication that may
11 interfere with your ability to testify?

12 **A No.**

13 Q What is your address?

14 **A 471 Chasefield Drive, Chasefield is one**
15 **word, Williams Bay, Wisconsin.**

16 Q And so are you currently employed?

17 **A I am not.**

18 Q Are you married?

19 **A Yes.**

20 Q Do you have children?

21 **A Yes.**

22 Q Could you give me a little bit about your
23 educational background?

24 **A I have a diploma in Dental Hygiene from**

1 Northwestern University. I have a Bachelor's of
2 Science Degree from Loyola University of Chicago.
3 I have a Master's of Education Degree from Loyola
4 University in Chicago.

5 Q What was the Bachelor's Degree in?

6 A Dental Hygiene.

7 Q Could you give me a little bit about --
8 give me your job history.

9 A I practiced privately as a Dental
10 Hygienist for approximately 20 years. I taught at
11 Northwestern University Dental School from 1976
12 until 2001. I then taught at College of DuPage
13 from 2002 to 2004. I became an Associate Dean of
14 Health Sciences in 2004 at the College of DuPage.
15 In 2009, I became Associate Dean of Health and
16 Biological Sciences at College of DuPage.

17 Q Was being a Dean in 2004 and 2009 -- was
18 it in the same department just different names or
19 were they different departments?

20 A The Health programs were the same. I
21 added in or I was given responsibility for the
22 Biological Sciences as well.

23 Q The Health Sciences and the Biological
24 Sciences?

1 **A Yes.**

2 Q What are the Biological Sciences?

3 **A Biology, Anatomy, Physiology,**
4 **Microbiology, Botany, Zoology, and Chemistry.**

5 Q The Health?

6 **A There are 20 plus programs. At the time**
7 **I had all of the Health Programs that were in**
8 **existence at COD.**

9 Q The Surgical Technical Program was one of
10 those programs, correct?

11 **A Yes.**

12 Q And so when there was contemplation of
13 putting on a Surgical Assisting Program together,
14 that would have come under your jurisdiction,
15 correct?

16 **A Yes.**

17 Q So the Dean of the school was -- the Dean
18 that you reported to was Thomas Cameron, correct?

19 **A Yes.**

20 Q We took his deposition this morning so I
21 am going to kind of describe the process that I
22 just want you to affirm in terms of how the
23 Associate Deans and the Deans function in relation
24 to new programs. Okay?

1 **A Okay.**

2 Q According to Mr. Cameron, there were a
3 variety of steps in regard to establishing new
4 programs. The first was the faculty member would
5 put together a program, correct?

6 MR. ROCHE: I don't think that is what
7 Mr. Cameron testified to this morning but go ahead.
8 BY MR. DAVIS:

9 Q Let me go back. When a new program was
10 being anticipated is it the faculty member that
11 puts the program together?

12 **A Yes.**

13 Q Could you describe the process of how a
14 faculty member goes about putting together a
15 program?

16 **A The first step would be a Needs Analysis.**
17 **We would determine whether or not the need for this**
18 **particular program would be needed for our**
19 **district.**

20 Q What is the district?

21 **A District 502. Then assuming that that**
22 **was a positive Needs Analysis, showed that it was**
23 **needed, then the curriculum pieces would be put**
24 **together. They would go through --**

1 Q Now in terms of the curriculum pieces,
2 would it be the faculty member putting the
3 curriculum pieces together?

4 A **Yes.**

5 Q Okay. Is it more than one faculty member
6 or -- is it more than one faculty member or is it
7 typically just one faculty member that puts the
8 pieces together?

9 A **It depends on the program. Frequently it**
10 **is one.**

11 Q Okay. In relation to the Surgical
12 Assisting Program was it just one?

13 A **Yes.**

14 Q That was Kathy Cabai, correct?

15 A **Yes.**

16 Q So the curriculum pieces are put together
17 and then when you say curriculum pieces could you
18 describe what curriculum pieces the faculty member
19 would put together for presentation to the -- what
20 is the next step?

21 A **The Division Curriculum.**

22 Q The Division Curriculum. So what
23 curriculum pieces would the faculty member put
24 together?

1 **A It's called an Active Course File. An**
2 **Active Course File is created for each course that**
3 **will be anticipated for the program. That consists**
4 **of a course description, general course objectives,**
5 **a list of topics to be covered in the course, and**
6 **methods of evaluation of the students.**

7 Q In relation to the SA Program, that is
8 the Surgical Assisting Program. We'll call it the
9 SA Program.

10 **A Yes.**

11 Q The course description -- so all of these
12 things would have been done by Kathy Cabai, right?

13 **A Yes.**

14 Q And this falls something short of a full
15 curriculum, correct?

16 MR. ROCHE: Objection. I don't
17 understand that question.

18 BY MR. DAVIS:

19 Q Would you understand what a full
20 curriculum would be for a course?

21 **A I am not exactly sure what you mean by**
22 **that.**

23 Q Why don't you tell me what a course
24 description would consist of?

1 **A It is approximately three to five**
2 **sentences that describes the general nature of the**
3 **course.**

4 Q Okay. Describe to me what the objective
5 -- what an objective is.

6 **A An objective is a learning outcome. They**
7 **are described in very broad terms on an Active**
8 **Course File.**

9 Q What is the list of topics to be taught?

10 **A Those are the topics that would be**
11 **included in that particular course.**

12 Q I can probably guess what evaluation
13 would be.

14 **A Yes.**

15 Q So the course description -- so the
16 course -- so this course, this Active Course File,
17 it doesn't have the number of courses to be taught?
18 It doesn't have the courses to be taught or how
19 many courses there are going to be or how many
20 hours have to be taken to be able to move forward
21 with this course becoming something that is offered
22 in the College?

23 MR. ROCHE: I'm sorry. Can I have that
24 question read back? I don't understand it.

1 BY MR. DAVIS:

2 Q Let me break it up. So this Active
3 Course File doesn't include specific courses that
4 are going to be taken within the course to be
5 offered?

6 I am mixing some terms here. Okay. So
7 we are talking about -- what is the name for --
8 what would you call the Surgical Assisting Program?
9 Is it just a program? Can we agree to call it a
10 program?

11 A You can call it a program.

12 Q What would you call it?

13 A I guess I am not sure what you are asking
14 me. Are you asking me about curriculum or are you
15 asking me about a program in its entirety or --

16 Q I am asking about a program in its
17 entirety.

18 A A program in its entirety consists of the
19 courses that are offered within that program.

20 Q So an Active Course File does that only
21 relate to one course being given within a program?

22 A Yes.

23 Q So let's go back to when you want to put
24 a program together, okay, in its initial phase. So

1 does a program also have a Needs Analysis
2 associated with it?

3 **A Yes.**

4 Q Does a program also have a positive --
5 does it also have course descriptions associated
6 with it?

7 **A Does a program have -- I believe so, if I**
8 **am understanding what you are asking me.**

9 Q When you want to take a program -- when
10 you want to implement a new program. For instance,
11 the Surgical Assisting Program. When you want to
12 take that program to the Division level.

13 **A Yes.**

14 Q Does it have to have all of the course
15 descriptions and all of the elements of the course
16 --

17 **A Yes, it does.**

18 Q -- already put together?

19 **A Yes, it does.**

20 Q Okay. So the program consists of
21 individual courses, correct?

22 **A That's correct.**

23 Q For each one of these individual courses,
24 you have to have a course description and an

1 objective that lists topics and evaluation?

2 **A Correct.**

3 Q Is there anything that a program has to
4 have in order to be considered? Does it have to
5 have all of the course descriptions in order to be
6 considered?

7 **A Yes.**

8 Q Does it have to have all of these other
9 things; the objectives, list of topics and
10 evaluations before it is going to be considered?

11 **A Yes.**

12 Q For the courses?

13 **A Yes.**

14 Q What else does a program proposal have as
15 part of it, other than the course description?

16 **A The Needs Analysis. There would be a**
17 **Budget put together in very rudimentary form so**
18 **that the College would be aware of its financial**
19 **investment into any given program. Let me think.**
20 **What else? The Form 20 is the document that is**
21 **used.**

22 Q Isn't the Form 20 the document that is
23 submitted to the ICCB?

24 **A Yes, it is.**

1 Q Do you have to have the Form 20 done
2 before you go to the Division Level?

3 A **Yes.**

4 Q So let's talk about Kathy Cabai for a
5 second. No, let's do this. So Thomas Cameron was
6 your Dean, correct?

7 A **Yes.**

8 Q When it came to decisions about a program
9 that was going to be implemented, what was his role
10 in making that decision?

11 A **He would be the person who would sign --**
12 **well, no. Let me take that back. His name goes on**
13 **the Form 20 as the contact person for the College**
14 **when the Form 20 is submitted to the Illinois**
15 **Community College Board.**

16 Q Okay. Is there anything that he does in
17 terms of putting the course together or having any
18 input in terms of -- I'm sorry. The program. In
19 terms of putting a program together, does he have
20 any input in that?

21 A **Generally, I would meet with him**
22 **frequently with the faculty member, if he had not**
23 **already done so. And we would discuss the proposal**
24 **and should or should we not go forward with any**

1 **given program.**

2 Q Is that decision that is made is it a
3 decision that the faculty member, yourself and Tom
4 Cameron make together?

5 A I am not sure how to answer that question
6 because we don't -- we -- that team is not the
7 final -- the final say so on moving forward with a
8 program, but we would have a conversation.

9 Q Okay. Is that the team that would decide
10 whether to go to the next step?

11 A Yes.

12 MR. ROCHE: What do you mean by the next
13 step? Go to the Division? Go to the College?

14 BY MR. DAVIS:

15 Q Let me ask the question. The decision to
16 go to the next step after that initial
17 conversation, the next step would be the Division.
18 Is it you, Tom Cameron and Kathy Cabai that would
19 make that decision to go to Division?

20 A No.

21 Q Who makes that decision?

22 A At that time it was the Vice-President of
23 Academic Affairs and the Deans. In a weekly
24 meeting, they would discuss the proposal and decide

1 **whether or not it should move forward.**

2 Q So would there be a presentation to the
3 Vice-President of Academic Affairs --

4 **A No.**

5 Q -- about the program?

6 **A No, it would be a discussion topic.**

7 Q It would be a discussion topic. Who
8 would decide whether to bring it up to the
9 Vice-President of Academic Affairs?

10 **A The Dean.**

11 Q Thomas Cameron for you?

12 **A Yes.**

13 Q Would there be a discussion with you,
14 Kathy Cabai and Thomas Cameron as to whether to
15 present it to the Vice-President of Academic
16 Affairs?

17 **A Yes.**

18 Q And then Thomas Cameron would make the
19 decision to make that presentation?

20 **A Yes.**

21 Q And then after presenting it to the
22 Vice-President of Academic Affairs, what would
23 happen next?

24 **A Tom would let me know whether or not**

1 approval was granted. It wasn't just the
2 Vice-President. It was the group.

3 Q Who is in the group?

4 A The Deans. And then if they thought it
5 was a good idea, we would then start the process.

6 Q Describe to me what the process is.

7 A The Active Course Files would be created.
8 The Form 20 would be begun. The Needs Analysis
9 would have been done and the Budget piece would be
10 done and any other components of that form.

11 Q Who would be in charge of the process as
12 you described it here? The Active Course Files,
13 the Form 20, the Budget, and the Needs Analysis.

14 A There is no one person in charge. Since
15 the faculty member is doing the curriculum part and
16 putting the Form 20 together, but it would come to
17 me as the step after completion of that.

18 Q So the faculty member would put the
19 Active Course Files, the Form 20, the Budget, and
20 the Needs Analysis together?

21 A Yes.

22 Q And then the faculty member would present
23 it to you, correct?

24 A Yes.

1 Q Now, at that particular point in time,
2 what decision do you make once you review that
3 materials?

4 A **I review it for completeness. I renew it**
5 **for any errors in context or spelling. That sort**
6 **of thing.**

7 Q Do you decide then at that point in time
8 to present it or do you have to take another step
9 after that?

10 A **I don't understand what you mean by**
11 **present it.**

12 Q The next step would be Division, right?

13 A **The Division Curriculum Committee.**

14 Q You have to go to the Division Curriculum
15 Committee with an Active Course Files, the Form 20,
16 the Budget, and the Needs Analysis, correct?

17 A **Yes.**

18 Q You indicated that you were reviewing it
19 for completeness. So once you deem it complete, do
20 you then decide to take it to Division, to present
21 it to Division?

22 A **No.**

23 Q What do you do next?

24 A **The Active Course Files go through the**

1 Curriculum process. That is separate. The
2 Division Curriculum Committee will look at the Form
3 20 to make sure that pieces are there. They don't
4 approve or disapprove the Form 20. The only thing
5 the Division Curriculum Committee does is the
6 curriculum piece, which are the Active Course
7 Files.

8 Q What relationship does the Form 20 have
9 to do with the Active Course Files?

10 A The Active Course Files are part of the
11 Form 20.

12 Q Do you present the Active Course File and
13 the Form 20 to the Division Curriculum Committee?

14 A No. The Active Course Files are what
15 goes through the Curriculum Committee. They look
16 at them in detail.

17 Q But before you indicated -- and, you
18 know, let me ask the question. Don't shake your
19 head yes or no. I am trying to get the information
20 from her, if you don't mind. Okay?

21 MR. ROCHE: Right. But I believe the
22 witness already testified the answer to these
23 questions, Mike, but go ahead.
24

1 BY MR. DAVIS:

2 Q I am just trying to understand this
3 process now because it's not native to me.

4 A I understand.

5 Q But you indicated that the -- isn't the
6 Form 20 presented to the Division along with the
7 Active Curriculum File?

8 A It is an attachment.

9 Q It is an attachment. Okay. Once the
10 Division Curriculum Committee gets this, what do
11 they do with it?

12 A They read the Active Course Files for
13 clarity and being concise. They make
14 recommendations, if needed, to the faculty sponsor
15 for any changes that might be suggested.

16 Q If those changes are made is there a need
17 to go back to Division Curriculum?

18 A If they are minor changes, no. If it
19 needs a major rewrite, it would go back.

20 Q Once it gets passed Division Curriculum
21 Committee, then what?

22 A It goes to the College Curriculum
23 Committee.

24 Q Okay. Describe to me what is submitted

1 to the College Curriculum Committee and what the
2 process is in reviewing the materials.

3 **A The Active Course Files are sent to the**
4 **College Curriculum Committee. They review them.**

5 Q Is the Form 20 also sent?

6 **A It is an attachment.**

7 Q It is an attachment. Okay.

8 **A They review the Active Course Files and**
9 **they either approve them or table them or not**
10 **approve them.**

11 Q Is that an actual vote that is taken at
12 that point in time?

13 **A Yes, it is.**

14 Q And once the College Curriculum Committee
15 approves this, then what happens?

16 **A The courses are filed with the Illinois**
17 **Community College Board along with the Form 20.**

18 Q The Active Course Files are filed, right?

19 **A Yes.**

20 Q Now you have indicated that the Form 20
21 is an attachment. Is it an attachment to each one
22 of the course files?

23 **A I don't know.**

24 Q You said it was an attachment.

1 **A** It is an attachment somewhere in the
2 system. I have never done this myself so I don't
3 know if it is attached to every single Active
4 Course File or if it is attached generically. I
5 just don't know.

6 **Q** Would the faculty member that put the
7 course -- put the program together and create the
8 Active Course Files, would they know --

9 **A** **Yes.**

10 **Q** -- what the Form 20 is in relation to
11 that?

12 **A** **Yes.**

13 **Q** Have you ever written a Form 20?

14 **A** **Yes.**

15 **Q** In your experience, what was the -- what
16 did you write a Form 20 for?

17 **A** **A Practical Nurse Program.**

18 **Q** Did you go through this process for the
19 Practical Nurse Program?

20 **A** **No. I wasn't a faculty member. Faculty**
21 **members do this work, not Deans.**

22 **Q** Okay. In relation to the SA Program, was
23 Kathy Cabai the one that put the Active Course
24 Programs and the Form 20 together?

1 **A Yes.**

2 Q So she was the one that would have gone
3 through this process?

4 **A Yes.**

5 Q In terms of whether the Form 20 was an
6 attachment to each Active Course File?

7 **A Yes.**

8 Q Or whether it is was just --

9 **A Yes.**

10 Q I mean, what I am trying to figure out --
11 I am trying to figure out whether the Form 20 was
12 attached to each Active Course File or whether it
13 is an overall document that describes the program?

14 **A And I don't know the answer to that never**
15 **having done it myself.**

16 Q Okay. Good. So Kathy Cabai was a
17 faculty member, correct?

18 **A Correct.**

19 Q And within the context of her being a
20 faculty member, she reports to you as the Associate
21 Dean, correct?

22 **A Yes.**

23 Q And so in addition to the process
24 involved in creating these programs, you would be

1 the party that would -- because you have a
2 responsibility for -- you would be the party that
3 would have the final say in regard to any decisions
4 to be made in regard to programs that she creates,
5 correct?

6 **A A final decision? What do you mean**
7 **final?**

8 Q Within the context of this process. I
9 mean, if Kathy Cabai comes to you with a program
10 and she wants to move it to the next step. Okay.
11 Now that we know what the next step is. She has to
12 talk to you to do that, correct?

13 **A Yes.**

14 Q You're the one that has to say -- you are
15 the one that has eyes on this at first that says
16 let's go ahead and take this to the next step?

17 **A Yes.**

18 Q Okay. Let's look at Exhibit B that is in
19 front of you. This is an email that is dated
20 November 21, 2013. It is written by Keith Bump to
21 you. And it describes a meeting between Keith Bump
22 and Kathy to discuss how our programs would work
23 together. Do you see that?

24 MR. ROCHE: Just by point of

1 clarification, Mike, it doesn't say that. It says,
2 "It was a great pleasure meeting with you and
3 Kathy". The email is addressed to Karen.

4 BY MR. DAVIS:

5 Q I'm sorry. You are right. Okay. So
6 this is Keith Bump writing to you and it describes
7 a meeting between you and Kathy to discuss how well
8 our programs would work together, right?

9 A Yes.

10 Q Could you tell me the content of that
11 meeting?

12 A As I best recall it, Kathy arranged a
13 meeting with Keith Bump, Kyle Black, myself and
14 her, to talk about the possibility of working with
15 ACE to develop a Surgical Assisting Program.

16 I don't remember the details of the
17 meeting now, but they were very broad and general
18 in terms of the program that Keith Bump was
19 representing and it was an initial meeting just to
20 see if we would -- if there was any point in moving
21 any further than the first meeting.

22 Q So this meeting was something that Kathy
23 initiated, correct?

24 MR. ROCHE: If you recall.

1 MR. DAVIS: If you recall.

2 MR. ROCHE: I don't believe that is what
3 the witness testified, but go ahead.

4 THE WITNESS: Kathy came to me prior to
5 this meeting because somehow she had an interaction
6 with Keith and/or Kyle. I don't know if it was one
7 or both of them. And she suggested that we might
8 all meet together and I said that would be fine.
9 Why don't you go ahead and let's find a date when
10 we can have a meeting to discuss this.

11 BY MR. DAVIS:

12 Q So this email talks about the meeting
13 that followed that, correct?

14 A Yes.

15 Q Could you tell me what the content of the
16 meeting was?

17 A As best I can remember, it was Keith
18 describing the Surgical Assisting Program that ACE
19 has. That they were -- they meaning ACE as
20 represented by Keith, were looking to partner with
21 a Community College in the area to begin to offer
22 their program.

23 Q Do you recall why they were looking to
24 partner with a Community College?

1 **A I do not.**

2 Q Do you recall them talking about whether
3 they were accredited at the time?

4 **A I can not say for sure that accreditation**
5 **at that point came up. I don't remember.**

6 Q Do you recall discussions that they were
7 not accredited at that time?

8 **A I don't recall.**

9 Q Okay. In the second paragraph, it says,
10 "I have attached the full presentation as well as
11 the program catalogue, Consortium Agreement and the
12 syllabus". Do you see that?

13 **A Yes.**

14 Q If you would turn to the next page,
15 second page, which is the Consortium Proposal.

16 **A Yes.**

17 Q At the time -- and this was sent to you,
18 correct?

19 **A Yes.**

20 Q Did you understand what the concept of a
21 consortium meant when they talked about a
22 consortium?

23 **A No, I don't remember talking about a**
24 **consortium. I think it was just a general**

1 **discussion of their program.**

2 Q Okay. But was it a discussion about how
3 they -- their program would interact with COD's
4 programs?

5 A **I don't know remember talking in that**
6 **detail.**

7 Q But you received this consortium
8 proposal, correct?

9 A **Yes.**

10 Q If you will turn to Page 4 of the
11 exhibit. I'm sorry. Page 4. Where it talks about
12 nine online modules. Do you see that?

13 A **Yes.**

14 Q A six day surgical lab, correct?

15 A **Correct.**

16 Q And then on the next page, it talks about
17 benefits to the College?

18 A **I see that.**

19 Q Would you review that for a second and
20 does this refresh your recollection about any of
21 the elements of why it would be beneficial to do
22 this program with COD?

23 A **Can you tell me again what you are asking**
24 **me to do?**

1 Q Review it for a second and I want to know
2 if that refreshes your recollection about what the
3 benefits of doing the program with --

4 MR. ROCHE: Are you asking the witness if
5 it refreshes her recollection as to a discussion
6 that occurred?

7 MR. DAVIS: I am going to her ask her
8 some questions about this. Why don't we just start
9 with this.

10 THE WITNESS: Okay. I am going to say
11 that I received this so I am sure I read it.

12 BY MR. DAVIS:

13 Q Okay. In the first one it talks about
14 instituting an advanced program with zero
15 developmental costs. Do you see that?

16 A **Yes, I do.**

17 Q Is it your understanding that this meant
18 that COD wouldn't have to put out any developmental
19 costs, any costs to develop this program, because
20 they would be working in conjunction with ACE?

21 A **I never thought that there would be no --**
22 **that there would be a zero cost to College of**
23 **DuPage.**

24 Q What would the cost be to College of

1 DuPage?

2 **A** It would be the cost of our faculty
3 member. It would be any associated costs that
4 would come along with a new program.

5 Q Would the costs be greater or less if you
6 worked with ACE?

7 **A** Greater or less than what?

8 Q Than if you had to do it yourself.

9 **A** I don't know.

10 Q The second benefit where it talks about
11 it illuminates the 9 to 12 time period that you
12 would be in the developmental stage with zero
13 enrollment income. Do you see that?

14 **A** Yes.

15 Q So would the developmental cost of
16 working with ACE result in eliminating the 9 to 12
17 month time period?

18 **A** Is this supposed to be eliminates? I
19 don't even understand it. Is it supposed to be
20 eliminate?

21 MR. ROCHE: It says what it says. I
22 didn't write it.

23 BY MR. DAVIS:

24 Q I think you can assume that it means

1 eliminates.

2 **A** All right. I did not think that there
3 would be a period of time when we would have --
4 wait a minute. With zero enrollment income. Yes.
5 Okay. I understand that.

6 **Q** Okay. Would that be an advantage to
7 doing this with ACE?

8 **A** Potentially, yes.

9 **Q** The third benefit is enlist the highest
10 quality hands-on skills curriculum and veteran
11 instructors available with absolutely no employment
12 cost. So ACE was willing to assist with a skills
13 curriculum at no cost, correct?

14 **A** Yes.

15 **Q** And, in fact, that is exactly what they
16 did, isn't it?

17 MR. ROCHE: I object. This line of
18 questioning, Mike, first of all is argumentative.

19 Second of all, are you trying to ask the
20 witness if she recollects discussions about the
21 benefits that ACE represented to COD or --

22 MR. DAVIS: I'm asking her two questions.
23 I am asking her whether she recalls and I am asking
24 her whether it was a benefit.

1 MR. ROCHE: You're not asking her if she
2 recalls. You are arguing with her as to whether or
3 not this would have been a benefit.

4 MR. DAVIS: She indicated she received
5 it. Okay? Now I am asking her what she understood
6 about what it is that she received.

7 MR. ROCHE: I think you need to lay more
8 foundation. Ask her if she recalls reviewing this.

9 MR. DAVIS: What other foundation can I
10 layout, except for this was something that she was
11 sent by ACE. And the question then becomes when
12 you received this and after that was it a benefit
13 to COD? That is the whole topic here. So do you
14 want me to ask -- she received the document, that
15 is the foundation.

16 MR. ROCHE: Mike, first of all, you are
17 arguing with her. You're not asking the witness
18 what she specifically recollects as to whether or
19 not these bullet points were actually discussed.
20 You're trying to get her to agree that enlisting
21 veteran instructors at no employment costs is a
22 benefit to the College.

23 MR. DAVIS: I can ask her that question.

24 MR. ROCHE: You can ask her that.

1 MR. DAVIS: I think I just did ask her
2 that question.

3 MR. ROCHE: That is not even what
4 happened in this case, but go ahead and answer.
5 You can answer.

6 BY MR. DAVIS:

7 Q So the question that I asked that -- so
8 you received this document, correct?

9 A **Yes.**

10 Q And you received this document that had
11 these lists of benefits on it, correct?

12 A **Yes.**

13 Q So now back to the question, which I
14 think you already answered, which was according to
15 what you said, you said that developing a skills
16 curriculum at no employment costs would be a
17 benefit to COD, correct?

18 A **It would be.**

19 Q Let's go to the last page of the exhibit.
20 Just to make sure, you got this. This was sent to
21 you, correct?

22 A **Yes.**

23 Q And this is the proposed cost of the SA
24 Program with ACE providing you certain services,

1 correct?

2 **A Yes.**

3 Q So is it true that the cost of the
4 program would be \$6,900 for the student, correct?

5 **A I don't know. That is what they are**
6 **saying it is. I assume that is what it is.**

7 Q Their fee would be \$4,400, correct?

8 **A Yes.**

9 Q And then that would result in COD making
10 \$2,500 per student, correct?

11 **A Yes.**

12 Q And that was the initial proposal that
13 they made to you at the time that this email was
14 sent, correct?

15 **A Yes.**

16 Q Exhibit C. So I'd like you to turn to
17 Page 2. Let's look at Page 1 first. It provides a
18 little context. So this is an email that was sent
19 by you to Keith Bump on November 21st. And in the
20 first sentence it says, "Kathy and I met with the
21 Dean this morning and he had several questions most
22 of which I think we answered". Do you recall what
23 those questions were --

24 **A No, I don't.**

1 Q -- that the Dean asked?

2 A No, I don't.

3 Q But at the time do you recall answering
4 those questions satisfactorily?

5 A I really don't.

6 Q It says you did, though.

7 A Well, then I did. You have your answer.
8 I don't remember it but it is there.

9 Q Okay. Then let's turn to Page 2. This
10 is a December 9th email from you to Keith Bump
11 indicating that "I think our discussion was a great
12 one". Now on the CC it lists Kyle Black, Thomas
13 Cameron and Kathy Cabai are copied on that. Do you
14 see that?

15 A Yes.

16 Q So your statement was "I think our
17 discussion was a great one". Is that the
18 discussion that was had on the conference call with
19 Thomas Cameron and Kathy Cabai and Keith Bump?

20 A I don't remember but probably.

21 Q Do you have any reason to think that the
22 discussion you had wasn't a great one?

23 A I don't remember the timing of the call.
24 I mean, that is what I don't remember. If -- I

1 **don't remember.**

2 Q The reason why I pointed out the email to
3 you, the first e-mail was November 21, 2013. And
4 so this discussion was some time between November
5 21, 2013 and December 9, 2013. Correct?

6 A **Most likely correct.**

7 Q So do you recall anything that would have
8 contradicted that the conversation was a great one?

9 A **No.**

10 Q And then it follows up with "we are at
11 this point ready to move forward on our part". Do
12 you see that?

13 A **Yes.**

14 Q Now was that move forward on our part in
15 relation to the proposal that they had given you in
16 the November 21st email?

17 A **No.**

18 Q Tell me what that meant.

19 A **It meant that we were ready to begin**
20 **putting the Active Course Files together and put**
21 **through the Curriculum process.**

22 Q It indicates that you met with Kathy so
23 that you would have a better idea of how long it
24 would take, correct?

1 **A I see that, yes.**

2 Q Was it your understanding at this
3 particular point in time that ACE was going to
4 assist you in doing all of the things that they
5 talked about in their proposal in putting this
6 course together?

7 **A No.**

8 Q What was your understanding of what they
9 were supposed to do?

10 **A My understanding was that they were going**
11 **to provide information to Kathy so that she could**
12 **write the Active Course Files.**

13 Q Okay. Were they going to get anything
14 out of that?

15 **A I don't know. You'd have to ask them. I**
16 **don't know.**

17 Q Let's look at Exhibit D. So this is a
18 December 12th email that discusses the actions on
19 our end relative to the classroom management system
20 issue we may have with the SA Program.

21 Were you involved in discovering or
22 framing what the classroom management system issue
23 was in relation to ACE?

24 **A Was I -- could you say that again? Was I**

1 **responsible? Is that what you just asked me?**

2 Q No. Well, so you indicate in here that
3 Tom Cameron has spoken further with the VP, Jean
4 Kartje. And then you summarize it in the third
5 paragraph. "In essence, we want to be able to use
6 Blackboard for this course for a number of reasons,
7 not the least of which is service to our students".

8 So the Blackboard issue is -- you are
9 informing ACE that the Blackboard issue is now on
10 the table, correct?

11 A **Correct.**

12 Q Did you have any follow-up with that or
13 did you have anything to do with seeing whether it
14 was implemented correctly? Anything along those
15 lines in relation to Blackboard?

16 A **I recall some email exchanges. If I**
17 **remember correctly -- I don't remember if it was**
18 **Keith Bump or Dan bump, but one of them stated that**
19 **they had not used Blackboard. That they -- it was**
20 **not anything that they were familiar with. I don't**
21 **know what their delivery system was for their**
22 **course but...**

23 Q Did you ever find out what it was?

24 A **You know, it may have come up. I don't**

1 remember what it was. Kathy may have been a little
2 more involved in that in particular. But they were
3 not familiar with Blackboard. They did not use
4 Blackboard, but that is the system that we used.
5 So it must have come up at some point. I don't
6 remember how it came up.

7 Q If you don't remember, that is -- I mean,
8 you know, the question is beyond this email. Were
9 you in charge of implementing it or following up to
10 see whether it was implemented or anything along
11 those lines?

12 A I wasn't in charge of implementing it.
13 It would have been my responsibility, if we were
14 going to use ACE, that they were able to use
15 Blackboard and teach online.

16 Q In Exhibit B, where they talked about --
17 they indicated that on Page 3 of Exhibit B -- I'm
18 sorry. On Page 4 of Exhibit B, they indicated that
19 they had online modules, correct? Page 4. World
20 Class Surgical Assisting Program at the top.

21 A Yes.

22 Q They said they had online modules, right?

23 A Yes, they did.

24 Q Was that one of the synergies that ACE

1 and COD had in terms of teaching this course is
2 that they taught it online and COD was going to
3 teach online?

4 **A Yes, we needed to be able to use**
5 **Blackboard to teach online.**

6 Q Okay. At that time did you ask them --
7 strike that. Just to clarify, you didn't have
8 anything to do with following up on that or
9 implementing it or anything like that? That was
10 somebody else's department, correct?

11 **A Yes.**

12 Q I mean, Jean Kartje or the online IT
13 person would have had more to do with that?

14 **A Yes.**

15 Q I am trying to find out what you know and
16 don't know.

17 **A That is okay.**

18 Q Let's look at Exhibit F. Now this is an
19 email from Kathy to Keith Bump. You are not copied
20 on this email. So is it safe to say that at this
21 point in time Kathy is the one that is in charge of
22 getting this program put together and presented?

23 **A What do you mean by in charge?**

24 Q Well, she is the one that is putting the

1 course descriptions and the Form 20 and the Needs
2 Analysis together, right?

3 **A Yes, she is.**

4 Q So, in this email, in the third sentence,
5 it says, "I went to Division Curriculum Committee
6 last week Thursday. Was raked over the coals but
7 that piece is complete. I will to go Collegewide
8 Curriculum the first day in March". Do you see
9 that?

10 **A Yes.**

11 Q So is she the one that is going to
12 Division Curriculum and then Collegewide
13 Curriculum?

14 **A Yes.**

15 Q Do you go with her when she does that?

16 **A Occasionally I go with faculty.**
17 **Especially if they have never done it before.**

18 Q Had she done it before?

19 **A She had.**

20 Q So she didn't need you there?

21 **A I usually would go to the College**
22 **Curriculum Committee. Not often to the Division**
23 **Curriculum Committee meeting.**

24 Q So was Kathy a highly skilled faculty

1 member?

2 **A Yes, in my opinion.**

3 Q Had she done these Form 20's before?

4 **A Yes.**

5 Q I want you to take a look at Exhibit A.
6 This is the Form 20 that was put together for the
7 Surgical Assistant Certificate. And it is signed
8 -- it is noted by -- the contact person is Tom
9 Cameron.

10 I don't want you to you look through all
11 this, but I guess the first question I have is --
12 this was a document that was turned over by your
13 counsel. Why was this document dated September,
14 2013? Do you know?

15 **A It's not dated September, 2013. That is**
16 **the --**

17 Q That is the form that is dated?

18 **A The form. The time when the form was**
19 **revised or put together the first time.**

20 Q So this is the Form 20 that Kathy Cabai
21 would have put together to submit to the -- to
22 everybody -- let me just say everybody. That would
23 be Division, College, the Board, and ICCB.

24 **A Yes.**

1 Q Had you ever seen this document before?

2 A **Yes.**

3 Q You didn't have any input into it,
4 correct?

5 A **I had input.**

6 Q You weren't the author of the document?

7 A **No, I was not the author.**

8 Q You reviewed the document?

9 A **Yes.**

10 Q When you reviewed the document, did you
11 make any corrections?

12 A **I probably did. I almost always do.**

13 Q You don't specifically recall any of the
14 corrections you made on this one?

15 MR. ROCHE: Go through the document, Ms.
16 Solt. See if you recollect making any changes.

17 THE WITNESS: I probably would have had
18 some corrections on -- I don't know what page
19 number it is, but the second to last paper. Starts
20 Part B Supportive Documentation and Data.
21 Occupational Demand. And then below the second
22 table is Enrollment Chart. I probably would have
23 had some input and made some changes on the
24 enrollment numbers.

1 BY MR. DAVIS:

2 Q Are the changes that you would have made
3 indicated there? I mean is this after the changes
4 or before?

5 A This is the final document as far as I
6 can recall that would have been submitted so none
7 of the changes that I would have made would be on
8 here. That is the only thing I can think of off
9 the top of my head.

10 Q Are you aware of whether ACE had any
11 input into the information on that document?

12 A I am not aware.

13 Q Let's take a look at Exhibit F1. On
14 Bullet Point Number 1, it says that, "Karen and I
15 meet. We discuss the upcoming SA programs". That
16 is Karen you, correct?

17 A Yes.

18 Q "Can you folks call Karen or Tom to
19 discuss the final amount of money that COD will be
20 charged per student with me teaching the Suture
21 Lab"? Do you see that?

22 A Yes.

23 Q So was that conversation -- was that call
24 ever made?

1 **A Not to my recollection.**

2 Q And so what is the difference between the
3 final amount of money that COD would have been paid
4 and the final amount of money that COD would be
5 paid with Kathy Cabai teaching the Suture Lab? Do
6 you understand the question?

7 **A I believe I do. Let me see if I can**
8 **rephrase it. You are asking me the price**
9 **differential if ACE were to do the program in its**
10 **entirety versus Kathy doing the piece of the Suture**
11 **Lab. Is that what you are asking me?**

12 Q Correct.

13 **A And what do you want to know about that?**

14 Q Was that discussion ever had?

15 **A I don't believe that I had a discussion**
16 **with ACE or anybody about that. I just don't**
17 **remember it.**

18 Q When they talk about Tom here?

19 **A Yes.**

20 Q Is that Tom Cameron?

21 **A Yes.**

22 Q It is not the other --

23 **A Yes.**

24 Q Because Tom Cameron in his deposition

1 indicated that there was another come Tom who would
2 be in charge of the legal document -- signing the
3 legal document. He is the --

4 **A Oh, the Vice-President of Finance.**

5 Q Right.

6 **A Yeah.**

7 Q It's not that Tom?

8 **A No, it's not.**

9 Q Okay. This email is dated February 27th
10 and according to Tom Cameron this would be just
11 about the time that everybody is putting Budgets
12 together, correct?

13 **A Yes.**

14 Q Number 6 says, "I need any potential
15 Budget items. We are currently working on next
16 year's Budget and they are due quickly".

17 You are the one that is in charge of
18 putting the Budget together for your department?

19 **A My subdivision. Yes, I am.**

20 Q Help me with this terminology.

21 **A It is okay.**

22 Q So did you put together a Budget for the
23 Surgical Assisting Program for that year?

24 **A I don't remember absolutely one way or**

1 **the other but most likely I would have.**

2 Q It indicates in Number 7 that she
3 informed you that you are working on providing me
4 with textbooks. Meaning ACE was going to provide
5 the textbooks. Do you see that?

6 A **I see that.**

7 Q So was there -- did COD have textbooks on
8 a Surgical Assisting Program at this time?

9 A **I don't know.**

10 Q You weren't in charge of gathering those
11 textbooks together? That would have been Kathy
12 Cabai's responsibility, right?

13 A **Yes.**

14 Q You were a Dental Hygienist, not a nurse,
15 right?

16 A **Well, I was a Dean at that point but yes.**

17 Q I mean before.

18 A **Yes.**

19 Q Let's move to Exhibit K. Actually, let's
20 do Exhibit J. This is the College of DuPage
21 Program Advisory Committee Minutes. What is the
22 Program Advisory Committee?

23 A **Program Advisory Committees are mandated**
24 **for all career and technical education programs in**

1 Illinois. They are a group of usually employers,
2 perhaps past graduates, sometimes community
3 members, frequently some of the faculty, former
4 students, current students, whose role is to
5 support and advise a given program.

6 Q You did not attend this, correct? I
7 don't see your name on here.

8 A Then I did not attend.

9 Q Would you normally attend these?

10 A No.

11 Q These would be just for individual
12 programs, correct?

13 A Yes.

14 Q Exhibit K. Have you ever seen this?

15 A Yes.

16 Q Let's turn to Page 4, Paragraph B. It
17 says, "College of DuPage pays \$3,680 immediately
18 upon receiving tuition funds for enrolling a new
19 student".

20 So there's a difference between this
21 price and the price that was originally quoted by
22 ACE of 4,400, correct?

23 A Yes.

24 Q So would this reflect the difference

1 between ACE teaching the lab and Kathy Cabai
2 teaching the lab?

3 **A I don't know for sure. My guess is**
4 **probably yes.**

5 Q Do you recall negotiating that?

6 **A No.**

7 Q Do you recall negotiating -- do you
8 recall any discussions that went into putting this
9 Consortium Agreement together?

10 **A I remember some email communication about**
11 **it.**

12 Q But I am talking about the specific terms
13 of the Consortium Agreement.

14 **A Yes, I think it was this one. I don't**
15 **recall, but if this is what they are calling their**
16 **contract, then, yes, we had some email discussion**
17 **about the terms.**

18 Q And this contract says it is dated May 5,
19 2013.

20 **A Yes. On Page 1.**

21 Q But that is a mistake, correct? It
22 should May 5, 2014?

23 **A That is what it says down here.**

24 Q Okay. Let's look at Page 1. Under ACE

1 responsibilities, Number 1 says, "To provide to
2 College an ABSA Approved Distance Learning Surgical
3 Assisting Program Curriculum". Do you recall
4 having discussions with them about this term?

5 **A No.**

6 Q And who would have been -- who would have
7 had these conversations with ACE about this
8 particular term?

9 **A Well, it probably would have been a**
10 **combination of Tom Cameron and myself initially.**

11 Q About term Number 1?

12 **A Yes.**

13 Q Do you recall having that conversation
14 with him?

15 **A I do not.**

16 Q Would Kathy Cabai have any input on that
17 conversation?

18 **A She might have had input.**

19 Q Number 2, "Provide all templates of
20 required documentation needed for the student to
21 progress through the program". Do you see that?
22 Do you recall negotiating that term?

23 **A No.**

24 Q Would that also have been one that you

1 and Tom Cameron would have been responsible for
2 negotiating?

3 **A I mean, I don't know how to answer that.**

4 MR. ROCHE: If you don't understand the
5 question.

6 MR. DAVIS: Please say I don't
7 understand.

8 THE WITNESS: I don't know.

9 MR. ROCHE: Don't speculate.

10 BY MR. DAVIS:

11 Q Is this a term that would be important
12 for this program to move forward?

13 **A I don't know.**

14 Q Okay. If you don't know that, how could
15 you have been the one to negotiate these terms?

16 **A I didn't negotiate anything.**

17 MR. ROCHE: Objection.

18 BY MR. DAVIS:

19 Q Oh, you didn't.

20 MR. ROCHE: Hold on. Objection. The
21 witness testified she did not negotiate the terms
22 of the contract.

23 MR. DAVIS: That is not what she said.
24 She said Tom Cameron and her did it because she did

1 it with Number 1. She said Tom Cameron and her
2 would have negotiated that term. Now I am going
3 through each term and find out if she and Tom
4 Cameron negotiated that term.

5 THE WITNESS: Then I misunderstood you
6 because I thought what you were asking me is if we
7 were at the point of signing any contract who would
8 negotiate.

9 Tom and I certainly would have input, but
10 we would have not negotiated a contract. That
11 would have gone through our legal process at the
12 College.

13 BY MR. DAVIS:

14 Q But in relation to the specific terms as
15 far as what would have to be in this agreement for
16 the SA Program to move forward, who would be the
17 person to put each one of these terms in here that
18 ACE would have had to fulfill to put this program
19 on for COD? Would it have been you and Tom or
20 would it have been Kathy Cabai?

21 A Kathy, Tom and I would have had input,
22 but we would not do the negotiation. That would be
23 through our Legal Department at the College.

24 Q Let's move off from the term negotiation.

1 Okay. And just each one of these responsibilities
2 is something that ACE would have had to do to put
3 this program on. Who would have put this list
4 together? Would it have been you and Tom or would
5 it have been Kathy Cabai?

6 **A Well, they put it together. We wouldn't**
7 **have put anything together.**

8 Q Who would have talked to them about it?
9 Do you know?

10 **A I don't know.**

11 Q Did you talk to them about it?

12 **A No, I did not. I never talked to them**
13 **about this.**

14 Q Who would have talked to them about this?

15 **A Frankly, I don't know. We never got to**
16 **that point.**

17 Q Exhibit L. The Nondisclosure Agreement.

18 **A Yes.**

19 Q Did you ever see this?

20 **A Yes.**

21 Q Who would have signed this on College of
22 DuPage's behalf?

23 **A It would have been the Vice-President of**
24 **Finance and I am not sure his exact title.**

1 Q Did you have any input as to whether to
2 sign this or not?

3 **A Yes.**

4 Q What input would you have had?

5 **A My opinion would have been asked.**

6 Q Okay. What was your opinion about
7 signing this?

8 **A I was not willing to sign anything.**

9 **Well, I wouldn't have signed anything. I was not**
10 **willing to recommend that anything be signed.**

11 Q What about a Nondisclosure Agreement?
12 Does that include not signing a Nondisclosure
13 Agreement?

14 **A I don't understand what you are asking**
15 **me.**

16 Q You said you wouldn't have recommended
17 signing anything. So there are two documents. One
18 is a Consortium Agreement and one is a
19 Nondisclosure Agreement.

20 **A Okay.**

21 Q Those are two different documents.

22 **A Okay.**

23 Q I am trying to distinguish between the
24 two.

1 **A Okay.**

2 Q Would you have recommended not signing a
3 Nondisclosure Agreement?

4 **A I do not remember having any discussions**
5 **about nondisclosure. Any and all discussions that**
6 **we had among ourselves, meaning Tom, Kathy, myself,**
7 **related to what we call the contract. I don't**
8 **believe we ever discussed this.**

9 Q The contract being the Consortium
10 Agreement?

11 **A Yes.**

12 MR. ROCHE: Exhibit K.

13 BY MR. DAVIS:

14 Q Exhibit K.

15 **A Yes.**

16 Q You don't recall having a discussion
17 about the Nondisclosure Agreement?

18 **A I do not recall anything about a**
19 **Nondisclosure Agreement.**

20 Q Let's look at Exhibit N. This is an
21 email from Keith to you where it indicates, "When
22 we spoke to Blackboard, they told us they needed 90
23 days but we don't want to wait until the 90 day
24 mark. We have the Blackboard project scheduled for

1 mid August". Do you see that?

2 **A Yes.**

3 Q Why would they have been sending this to
4 you, if you recall?

5 **A I don't know.**

6 MR. ROCHE: I am going to object to the
7 extent it is asking the witness what the state of
8 the mind of the sender was. In this instance Keith
9 Bump.

10 BY MR. DAVIS:

11 Q Okay. Were you having any conversations
12 with Keith Bump about Blackboard being a problem at
13 this point in time?

14 **A Not that I remember.**

15 Q Do you recall having any conversations
16 other than the initial conversation that was held
17 in regard to needing to have Blackboard?

18 **A Not that I remember.**

19 Q Did not have having Blackboard
20 subsequently become a problem in terms of
21 implementing the program with ACE?

22 **A It probably -- it would have, if they
23 were not able to utilize it.**

24 Q Okay. This email says that they were

1 implementing it, correct?

2 **A That is what it says.**

3 Q Let's take a look at Exhibit O. So this
4 email chain is sent on July 8th. Actually begins
5 on -- if you look on Page 2, it begins on June 2nd.
6 Keith Bump is emailing Kathy to confirm that they
7 received the Consortium Agreement from Dan. This
8 is June 2nd and the initial Consortium Agreement
9 was dated May 5th. And then they are having this
10 conversation with Kathy. Is there anybody else
11 they should have been having this conversation
12 with?

13 **A They could have asked me.**

14 Q Okay. If you will turn to Page 1, it
15 says, "I did talk to Tom. He's not comfortable
16 signing anything without having legal approval or
17 nor with Karen out-of-town". That was written July
18 8th.

19 Did Kathy Cabai have a conversation with
20 you about this time about signing the Consortium
21 Agreement?

22 **A No. I was out-of-town.**

23 Q Did she have it with you before you went
24 out-of-town?

1 **A May have. I don't --**

2 Q You don't recall?

3 **A I don't remember.**

4 Q Do you recall her having it with you
5 after you came back from being out-of-town?

6 **A Yes, we did have a conversation then.**

7 Q Tell me what the conversation was.

8 **A Kathy was concerned because she was**
9 **getting push back from Keith about having this**
10 **Consortium Agreement signed before she participated**
11 **in the lab. And my recollection is she wanted to**
12 **see how the lab was run and to interact with Dan**
13 **Bump before we made any kind of agreement with**
14 **anyone.**

15 Q At this particular point in time Kathy
16 Cabai had received help with the Form 20,
17 textbooks, the self-study program, that told her to
18 how to get accredited and the lab would have been
19 the final piece to what she needed to do to put
20 together an SA Program, correct?

21 MR. ROCHE: Objection. It
22 mischaracterizes the witness' testimony.

23 MR. DAVIS: You can answer it anyway.

24 MR. ROCHE: Go ahead and answer.

1 THE WITNESS: I don't know what you are
2 asking me. I don't understand.

3 MR. ROCHE: Would you like to have the
4 question read back?

5 THE WITNESS: Yes, please.

6 (Read back as requested.)

7 THE WITNESS: I don't know if they
8 received the textbooks. She would have done the
9 Form 20. I mean, I don't know how to answer the
10 question.

11 BY MR. DAVIS:

12 Q Do you know what all those elements are?
13 Do ou know what the self-study program is?

14 A I know what a self-study is. I never saw
15 it.

16 Q Isn't it correct that you would need to
17 have a self-study -- if you hadn't tried to get
18 accredited with a SA Program, you would have had to
19 have a self-study to get accredited?

20 A A self-study must be done before
21 accreditation. That's correct.

22 Q If you had a model of a self-study
23 program it would have aided you in getting
24 accredited?

1 **A Not necessarily.**

2 Q If you had seen a self-study that had
3 been submitted to the organization that accredits
4 SA Programs before you had to do your own, that
5 wouldn't help you?

6 **A If it was the same organization. I don't**
7 **believe it was going to be the same organization.**

8 Q Okay. It was.

9 **A I don't -- well, I don't know.**

10 Q You weren't in charge of that, right?

11 **A I was not.**

12 MR. ROCHE: The witness testified she
13 never received the self-study so...

14 MR. DAVIS: This witness?

15 THE WITNESS: This witness. I never
16 received the self-study.

17 MR. DAVIS: I don't think I asked her
18 that question.

19 MR. ROCHE: In one of her answers, she
20 commented that she never received the self-study.

21 THE WITNESS: I never saw a self-study so
22 I can't say that Kathy did.

23 BY MR. DAVIS:

24 Q Exhibit U. Do you recall this email?

1 **A Yes.**

2 Q So in this e-mail you are discussing a
3 conference call to discuss the concerns expressed
4 in an email that was sent, correct?

5 **A Yes.**

6 Q And as stated during the call, it says,
7 "Our major concerns include the lack of preparation
8 for you to be in teaching this program for us in an
9 online format". Do you see that?

10 **A Yes.**

11 Q So were you the one that came up with
12 that assessment that there were major concerns
13 about the lack of preparation to teach an online
14 format?

15 **A Not me alone, no.**

16 Q Who was the primary one that came up with
17 that? The primary person.

18 **A There wasn't a primary one. It was Kathy**
19 **was there. I was there. I asked the Associate**
20 **Dean of Learning Technologies to sit in on the call**
21 **because he's very familiar with online teaching and**
22 **what is required. There might have been a fourth**
23 **person. It was not Tom Cameron. I know the three**
24 **of us were present and we had this conversation**

1 **with Dan Bump.**

2 Q But are you the person that assesses
3 whether somebody can qualify to teach an online
4 format?

5 A **Am I the person?**

6 Q Mmm-hmm.

7 A **Not only me.**

8 Q Is there a primary person that would make
9 that decision? Would do that assessment?

10 A **I was the messenger. The discussion was
11 held among the three of us and I was the messenger.**

12 Q Okay. So the next sentence where it
13 says, "All offerings at the Collage have the same
14 quality and rigor no matter the delivery format".
15 Was that something that the group as a consensus
16 came up with?

17 A **Yes.**

18 Q And then it was followed up with, "It
19 would take at the very" something "a full semester
20 for Dan or anyone new to online teaching to have
21 sufficient preparation for this delivery mode". So
22 who decided it would take a full semester to do
23 that?

24 A **I believe the three of us did.**

1 Q Then, in the third paragraph, you
2 indicate the other issue of a contemporary
3 curriculum in this discipline is also something
4 that would take a fair amount of time to revise and
5 then prepare, correct?

6 A **Yes, it says that.**

7 Q Who came up with that assessment about a
8 contemporary curriculum in this discipline?

9 A **Kathy had a discussion with me.**

10 Q What did you say?

11 A **She felt that the program that was being**
12 **offered to us through ACE was not something that**
13 **she felt was contemporary.**

14 Q Let's look at Exhibit V. This looks like
15 a memo dated October 1st from Kathy Cabai.
16 "Justification for Revision of Surgical Assisting
17 and Courses 2501 and 2503".

18 A **That is probably a typo. It should have**
19 **been 2502.**

20 Q "This letter is to inform you that
21 College of DuPage has decided not to offer the
22 Surgical Assisting Program in conjunction with ACE
23 because they are not accredited through the
24 Commission on Allied Health Education Program".

1 So is it because they didn't have a
2 contemporary curriculum or is it because they
3 weren't accredited?

4 This says that they weren't accredited.
5 So was there a discussion after this that said that
6 the reason we're not doing this with ACE is because
7 they are not accredited?

8 **A I don't know to whom this is even**
9 **addressed.**

10 Q Well, in the next paragraph, it says,
11 "With that being said, initial accreditation has
12 been received".

13 Were you aware that there was -- shortly
14 after the termination of ACE that COD would apply
15 for initial accreditation with CAHEB?

16 MR. ROCHE: I am going to object that it
17 mischaracterizes the witness' previous statement.
18 I don't think there was any discussion about when
19 ACE was quote terminated. You can go ahead and
20 answer.

21 THE WITNESS: Well, I didn't write this
22 and so it's hard for me to say what Kathy meant or
23 to whom she was writing this.

24

1 BY MR. DAVIS:

2 Q Would it have been within her
3 jurisdiction, for lack of a better term, to write
4 an announcement like this about accreditation and
5 when the program would start?

6 A I don't know that this is an
7 announcement. You will have to ask her to whom
8 this was written and why.

9 She does say that many of our programs
10 are CAHEB accredited and that is what we would be
11 seeking for this program were we to offer it. They
12 were not CAHEB accredited.

13 Q Right. Did you ever have any discussions
14 with ACE or anybody with ACE about the fact that
15 they would be able to offer students to COD because
16 COD would be accredited?

17 A I remember reading something about that.
18 I don't know if we discussed it verbally. I
19 remember reading something about that.

20 Q It was in the initial consortium
21 proposal.

22 A That is probably where I read it then.

23 MR. ROCHE: What was in the initial
24 consortium proposal?

1 MR. DAVIS: That they would be offering
2 students to COD because COD could get accredited.
3 ACE can't get accredited with CAHEB because they
4 won't accredit anybody that is not a school. That
5 is not actually a school.

6 THE WITNESS: Right.

7 MR. DAVIS: What they do is they align
8 with other schools and get accredited.

9 MR. ROCHE: I don't remember that.

10 MR. DAVIS: Then they are able to offer
11 their students to the school that they are
12 accredited with because they want -- because some
13 states require that accreditation. Some states do.

14 MR. ROCHE: I just don't remember that in
15 the consortium proposal. That is all.

16 BY MR. DAVIS:

17 Q Last one. Last one.

18 A Okay.

19 Q Initial Request For Accreditation
20 Services. CEO signature. Kathy Cabai. This is
21 dated October 2, 2004. Were you aware that --

22 A 2004?

23 Q I'm sorry. 2014. Were you aware they
24 applied for accreditation?

1 A You know, I probably was. But I see so
2 many of these things, that I couldn't say off the
3 top of my head did they do it or not. They did,
4 obviously. So I guess I was aware.

5 MR. DAVIS: No further questions.

6 MR. ROCHE: If I could just have a minute
7 or two to go through my notes and see if I have any
8 follow-up questions.

9 (Whereupon, there was a brief recess
10 in the deposition.)

11 MR. ROCHE: No further questions.

12 Signature reserved.

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15 (FURTHER DEPONENT SAITH NOT.)
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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

3 I, DEBORAH TYRRELL, CSR, a notary public
4 within and for the County of DuPage and State of
5 Illinois, do hereby certify that KAREN SOLT was by
6 me first duly sworn to testify to the truth, the
7 whole truth and nothing but the truth, and that the
8 above deposition was recorded stenographically by
9 me, in the presence of said witness, and afterwards
10 reduced to typewriting under my personal direction.

11 I further certify that the said foregoing
12 transcript of the said deposition is a true,
13 correct and complete transcript of the testimony so
14 given by said witness at the time and place
15 specified as aforesaid.

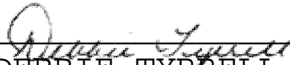
16 I further certify that the signature of
17 the witness to the forgoing deposition was
18 reserved.

19 I further certify that the taking of this
20 deposition was in pursuance of notice and
21 agreement; and that there were present at the
22 taking of this deposition the appearances as
23 heretofore noted.

24 I further certify that I am not a

1 relative or employee or attorney or counsel of any
2 of the parties hereto, nor a relative or employee
3 of such attorney or counsel; nor do I have any
4 interest directly or indirectly in the outcome or
5 events of this action.

6 In witness whereof, I have hereunto set
7 my hand and affixed my notarial seal this 7th day
8 of month, 2017.

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